

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

VDPP, LLC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 4:23-cv-03210
	)	
RICOH USA, INC.,	)	JURY TRIAL DEMANDED
	)	
Defendant.	)	
	)	

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**DECLARATION OF DONALD R. MCPHAIL IN SUPPORT OF  
DEFENDANT'S MOTION TO DISMISS**

I, Donald. R. McPhail, declare as follows:

1. I am an attorney with Oblon, McClelland, Maier & Neustadt LLP, counsel for Defendant Ricoh USA, Inc., in the above-captioned matter. The statements herein reflect my personal knowledge and belief based on reasonable investigation and information presently known to me. If called to testify as a witness, I could testify competently thereto.

2. Attached as Exhibit A-1 to Defendant's Motion to Dismiss is a true and correct copy of the docket report for the action captioned *Visual Effects Innovations, LLC v. LG Electronics USA, Inc.*, Case No. 1:17-cv-01275-LPS (D. Delaware) found at [https://ecf.ded.uscourts.gov/cgi-bin/DktRpt.pl?100962994625112-L\\_9999\\_2-1](https://ecf.ded.uscourts.gov/cgi-bin/DktRpt.pl?100962994625112-L_9999_2-1) as accessed on November 27, 2023.

3. Attached as Exhibit A-2 to Defendant's Motion to Dismiss is a true and correct copy of the docket report for the action captioned *VDPP LLC v. TTE Technology, Inc.*, Case No. 5:19-

cv-02019-JVS-SHK (C.D. California) found at [https://ecf.cacd.uscourts.gov/cgi-bin/DktRpt.pl?141584730552568-L\\_9999\\_2-1](https://ecf.cacd.uscourts.gov/cgi-bin/DktRpt.pl?141584730552568-L_9999_2-1) as accessed on November 27, 2023.

4. Attached as Exhibit A-3 to Defendant's Moton to Dismiss is a true and correct copy of the docket report for the action captioned *VDPP LLC v. Facebook Technologies, LLC*, Case No. 3:19-cv-04571-LB (N.D. California) found at [https://ecf.cand.uscourts.gov/cgi-bin/DktRpt.pl?146315950043665-L\\_9999\\_2-1](https://ecf.cand.uscourts.gov/cgi-bin/DktRpt.pl?146315950043665-L_9999_2-1) as accessed on November 27, 2023.

5. Attached as Exhibit A-4 to Defendant's Moton to Dismiss is a true and correct copy of the webpage found at <https://www.meta.com/legal/quest/patents/> as accessed on November 27, 2023.

6. I declare under penalty of perjury that the foregoing is true and correct. Executed on November 27, 2023, in Alexandria, Virginia.

Respectfully submitted,

/s/ Donald R. McPhail  
Donald R. McPhail